



1 Education and Workforce Development Cabinet  
2 Kentucky Board of Education  
3 Department of Education  
4 (Repealer)  
5 703 KAR 5:122. Repeal of 703 KAR 5:120 and 703 KAR 5:180.  
6 RELATES TO: KRS 158.6451, 158.6453, 158.6455, 158.782, 158.805, 160.346  
7 STATUTORY AUTHORITY: KRS 156.029, 156.070, 158.6453, 158.6455, 160.346(1)(a), (9)  
8 NECESSITY, FUNCTION, AND CONFORMITY: Section 1003(g) of Title I of the Elementary  
9 and Secondary Education Act of 1965, as amended, (Title I or ESEA) requires the KBE to  
10 identify the state's lowest-achieving schools (referenced in KRS 160.346 as "persistently low-  
11 achieving schools") as "priority schools", and for those priority schools to follow the  
12 requirements of 20 U.S.C. 6303(g) regarding school intervention options.  
13 It is necessary to repeal 703 KAR 5:120, Assistance for schools; guidelines for scholastic audit,  
14 and 703 KAR 5:180, Intervention system for persistently low-achieving schools, as they are no  
15 longer consistent with current state and federal accountability requirements. 703 KAR 5:260 has  
16 been promulgated to establish the new requirements for implementing the intervention options in  
17 priority schools and districts. This administrative regulation repeals 703 KAR 5:120 and 703 KAR  
18 5:180.  
19 Section 1. The following administrative regulations are hereby repealed:  
20 (1) 703 KAR 5:120, Assistance for schools; guidelines for scholastic audit; and

1 (2) 703 KAR 5:180, Intervention system for persistently low-achieving schools.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

8-15-14  
(Date)

Terry Holliday  
Terry Holliday, Ph.D.  
Commissioner of Education

8-15-14  
(Date)

Roger L. Marcum  
Roger L. Marcum, Chairperson  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this proposed administrative regulation shall be held on September 29, 2014, at 10:00 a.m. in the State Board Room, 1<sup>st</sup> Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until September 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Kevin C. Brown, General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 703 KAR 5:122

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 703 KAR 5:120 which established education assistance and scholastic audit processes for low-performing schools to implement an accountability system that is no longer in use. It also repeals 703 KAR 5:180 which established the process and procedures for implementing those interventions and alternate governance options. In order to receive approval of Kentucky's Elementary and Secondary Education Act (ESEA) Flexibility Waiver, the agency is now required to identify persistently low-achieving schools as priority schools. The agency is promulgating a new administrative regulation to establish the intervention processes for priority schools and districts.

(b) The necessity of this administrative regulation: This administrative regulation repeals two administrative regulations that are no longer needed because a new administrative regulation is being put in place which will outline the intervention process required for priority schools and districts.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation repeals two administrative regulations that are no longer required due to the promulgation of a new administrative regulation to implement the requirements of KRS 160.346 and Kentucky's ESEA Flexibility Waiver.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of these administrative regulations will permit the promulgation of a new administrative regulation which will outline the intervention process for priority schools and districts.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable

(b) The necessity of the amendment to this administrative regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statute: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will only apply to a limited number of schools and districts: 1) schools that have been or may be identified as one of Kentucky's priority schools (low-achieving schools that states are required to identify for

Kentucky's ESEA Flexibility Waiver) 2) the districts containing the priority schools and 3) priority districts as defined in the regulation. It will also impact school councils of the above schools.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The schools and districts will no longer have to undergo the process contained in the administrative regulations being repealed, but will instead follow a similar process set forth in a new administrative regulation.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The schools and districts will not have to undertake activities related to the repeal of the two administrative regulations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will no longer be required to comply with the requirements of the repealed administrative regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional costs

(b) On a continuing basis: No additional costs

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is necessary.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulations are being repealed.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 5:122  
Contact Person: Kevin C. Brown  
Phone number: 502/564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will apply to a subset of all schools and districts, including: 1) schools that have been or may be identified as one of Kentucky's priority school (low-achieving schools states are required to identify for Kentucky's Elementary and Secondary Education Act (ESEA) Flexibility Waiver) 2) the districts containing the priority schools and 3) priority districts as defined in the administrative regulation. It will also impact school councils of the above schools.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070, KRS 160.346, Kentucky's ESEA Flexibility Waiver

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no additional revenue generated or expenditures required by this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? The administrative regulation will require no additional cost.

(d) How much will it cost to administer this program for subsequent years? The administrative regulation will require no additional cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: